UNITED STATES DISTRICT COURT		EASTERN DISTRICT OF TEXAS
HOLLY M. FOLEY and	§	
VINCENT D. FOLEY, SR.,	§ §	
Plaintiffs,	§ 8	
v.	\$ &	CIVIL ACTION NO. 1:12-CV-270
TEXAS DEPARTMENT OF	§	
FAMILY AND PROTECTIVE SERVICES	§	
and KALI LITTLE,	§	
	§	

## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

§

Defendants.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to an Order of Reference entered on May 31, 2012. The Court has received and considered the report (Doc. No. 20) of the magistrate judge, who recommends that the Court grant the Defendants' "Motion to Dismiss" (Doc. No. 7) and dismiss this case with prejudice. On December 5, 2012, the Plaintiffs filed an objection to the magistrate judge's report and recommendation. (Doc. No. 22.) The Defendants have not filed a response to the Plaintiffs' objection.

A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a de novo determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(l)(c); FED. R. CIV. P. 72(b)(2)–(3). "Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by* 

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc). In the Plaintiffs'

objection, they do not identify any specific issue of law or fact, among those set forth in the

magistrate judge's report and recommendation, with which they disagree. Therefore, the

Plaintiffs' objection fails to invoke their right to a de novo review of the report and

recommendation. Nonetheless, the Court has undertaken a de novo review of the report and

recommendation, and the Court concludes that the magistrate judge's findings and conclusions are

correct. See Douglass, 79 F.3d at 1429 (noting that a district court may alternatively find the

magistrate judge's findings and conclusions were correct even though a party did not properly

object to the report and recommendation).

The Plaintiffs' objection (Doc. No. 22) is **OVERRULED**; the magistrate judge's report

and recommendation (Doc. No. 20) is **ADOPTED**; the Defendants' "Motion to Dismiss" (Doc.

No. 7) is **GRANTED**; and this lawsuit is **DISMISSED** with prejudice. Final judgment will be

entered separately.

SIGNED at Beaumont, Texas, this 7th day of January, 2013.

MARCIA A. CRONE

Maria a. Crone

UNITED STATES DISTRICT JUDGE